



United Nations Secretary-General's Study on Violence against Children

Questionnaire to Governments

Advance Version

Introduction

This questionnaire is designed to obtain information from Governments for the United Nations Secretary-General's in-depth Study on the question of violence against children requested by the General Assembly in its resolution 57/190. Mr. Paulo Sergio Pinheiro has been appointed by the Secretary-General as the independent expert to direct the study, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), and he has developed a concept paper on the study (E/CN.4/2004/68, annex).

In preparing the report, the independent expert will draw on a variety of sources and available information and statistics in addition to the responses to this questionnaire. These will include reports submitted by States parties under the Convention on the Rights of the Child, as well as other human rights treaties, and information generated by United Nations conferences and summits, and their reviews, including the special sessions of the General Assembly, in particular the twenty-seventh special session of the General Assembly on children. Official statistics available from the United Nations Statistics Division and other statistical information available in the United Nations system, including UNICEF, WHO and the International Labour Organization (ILO) will be used. United Nations field presences will also be asked to provide pertinent information. Information will also be gleaned from non-governmental organizations and from regional and field-level consultations and expert group meetings which will form an integral part of the study.

The Committee on the Rights of the Child has emphasized that the study "should lead to the development of strategies aimed at effectively preventing and combating all forms of violence against children, outlining steps to be taken at the international level and by States to provide effective prevention, protection, intervention, treatment, recovery and reintegration" (A/56/488, annex). The General Assembly called for the study to put forward recommendations for consideration by Member States for appropriate action, including effective remedies and preventive and rehabilitative measures.

Responding to the questionnaire

In providing responses to the questionnaire, Governments are requested to consider approaches which have been adopted at national level with respect to violence generally, and towards children in particular. They are also asked to take account of the fact that responses to all forms of violence against children might not be the task of one Government department only, and depending on your Government's structure may be within the competence of the federal, state, provincial or municipal authorities.

Governments may wish to identify a **focal point** responsible for coordinating responses to the questionnaire, and make this focal point known to the secretariat of the study.

If information called for by the questionnaire has been provided by the Government in another context, for example in reporting under the Convention on the Rights of the Child, reference to that document should be provided, and information contained in that document should not be repeated. Governments are also encouraged to provide copies of relevant laws, policies, reports etc.

The questionnaire is divided into seven parts, which deal with (I) the legal framework, (II) the institutional framework and resources to address violence against children, (III) the role of civil society in addressing violence against children, (IV) children as actors in addressing violence, (v) policies and programmes to address violence against children, (VI) data collection, analysis and research, and (VII) awareness, advocacy and training. Examples of issues and questions which are to be covered under each part of the questionnaire are provided for guidance. Governments are not required to cover each of these issues, but to select those which are most relevant to their national context. Additional issues, over and above those provided as guidance, can also be raised in responses.

Governments are encouraged to provide examples of good practices and innovative approaches to addressing all forms of violence against children, in order to assist in the dissemination and sharing of positive experiences. Governments are also asked to outline obstacles encountered in addressing the issue.

Definition of child

Governments should note that in providing information for this questionnaire, a child is defined as in article 1 of the Convention on the Rights of the Child as “[e]very human being below the age of eighteen years unless, under the law applicable to the child, the majority is attained earlier.” Accordingly, information on strategies to address violence against girls and boys under 18 should be provided throughout.

Submission of responses

Responses to this questionnaire should be sent in both hard copy and electronic format in one of the six official United Nations languages no later than 31 July 2004 to:

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QUESTIONNAIRE

I. LEGAL FRAMEWORK

This part of the questionnaire aims to determine how your country's legal framework addresses violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.

International human rights instruments

1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.

Swaziland ratified the CRC in 1995. On the legislative front there have been very little developments. Law reports remain un-updated since 1986 with the sad result that it is difficult to point to a case that has made reference to international or regional or human rights standards. It appears, and at the risk of erring, that there have been no such cases in Swaziland. If there were, these would be notoriously known or be of common knowledge. Having said so, it must be mentioned that some judicial officers have had exposure to seminars or symposia that advocate the applicability of international conventions on national/domestic laws. Due to the absence of a written constitution, with an entrenched bill of rights, it is fair to submit that difficulties have been on the way of activism/creativity on the part of judicial officers. The constitution is presently at a bill stage. Indications (and official word) are to the effect that it will receive Royal assent not long from now. Once the constitution is in place, it should be easy for our courts to refer to both international and regional regimes.

Legal provisions on violence against children

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

Mention has been made in Question 1, above, that Swaziland does not yet have a written constitution. The constitution bill does not address the issue. Chapter IV (on the protection and promotion of fundamental human rights and freedoms), dealing specifically with the Rights of the Child provides that: "a child shall not be subject to abuse or torture or other cruel inhuman and degrading treatment or punishment subject to lawful and moderate chastisement for purposes of correction."

One piece of legislation that does seek to do so is the Child Care Service Order # 30 of 1977. Fundamentally, this legislation creates/establishes a Child Care Service within the Ministry of Health and Social Welfare, defines its objects and duties and also provides for the control of voluntary bodies providing services for children. Section 4 of the Order sets out the general functions of the Child Care Service as follows:

"The primary duty of the Service shall be to make provision for orphaned, destitute, homeless or abandoned children, to protect children from the abuse or ill-treatment, to remove children from the custody or care of unfit persons or from conditions which are physically or morally harmful to them or likely so to be, and to perform such other humanitarian services for children's welfare as may be generally or specially authorised by the Minister.

In the discharge of its functions the Service shall, wherever possible, endeavour to prevent the separation of a child from his parents, or in their absence, from his family, but shall endeavour, regard being had at all times to the interests and needs of the child, to ensure that the child is not removed from his family.

The Service shall with the Minister's approval and subject to such conditions as the Minister may approve, establish and control such institutions, orphanages or foster-homes as may be considered advisable."

Dealing with this legislation, for a moment, one notices that it does not directly make reference to violence but rather speaks of abuse or ill-treatment, in general terms. It is submitted that this is the only piece of legislation that addresses the plight of children and that violence is not inconsonant with abuse or ill-treatment. The enactment is ambitious and has yet to be put into full use.

Violence to children finds no other definition in our criminal law, nor is it a distinct crime to be dealt with as such. Resort has to be made to the common law crime of assault in its various gradations, to prosecute perpetrators of violence towards children. This can either be assault simpliciter, assault with intent to do/cause grievous bodily harm or indecent assault. If the violence results in death, the common law crime of murder would come in. In the case of offences of a sexual nature, which are violence par excellence, rape at common law and statute is invoked.

3. Provide details of any specific legislative provisions on:
 - Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;

Other than the Child Care Service Order # 30 of 1977, which was mentioned in 2 above, the Girls' and Women's Protection Act # 39 of 1920 is the single piece of legislation in point. It seeks to give protection to girls and women on sexual abuse. Section 3 thereof reads:

"Offences in relation to girls under sixteen

3. (1) *Every male person who has unlawful carnal connection with a girl under the age of sixteen years or who commits with a girl under that age immoral or indecent acts or who solicits or entices a girl under such age to the commission of such acts shall be guilty of an offence and liable on conviction to imprisonment not exceeding six years with or without whipping not exceeding twenty-four lashes and with or without a fine not exceeding one thousand emalangeni in addition to such imprisonment and lashes.*

(2) *If, upon the trial of any person for the crime of rape, the court is satisfied that the accused is guilty of an offence under sub-section (1), but is not satisfied that he is guilty of the crime of rape or of an assault with intent to commit rape, it may acquit the accused of rape and find him guilty of an offence under sub-section (1) and thereupon he shall be liable to the punishments provided therein.*

(3) *If upon the trial of any person for the crime of rape or assault with intent to commit rape or for an offence under sub-section (1) insufficient evidence is adduced aliunde as to whether or not the complainant is under the age when her consent would be a lawful defence to the act charged against the accused, the court may decide the question of the complainant's age from her appearance:*

Provided that it shall be a defence to any charge under this section if it appears to the court before whom the charge is brought that the girl at the time of the commission of the offence charged was a prostitute, or that the person so charged was at the said time under the age of sixteen years:

Provided further that this section shall not be deemed to alter or impair the law in regard to the crime of rape upon girls who are of or above the age of twelve years and under the age of sixteen years."

- Protection of children from all forms of violence; **None**
 - Redress, including compensation, for child victims of violence; **None**
 - Penalties for perpetrators of violence against children; **None**
 - Reintegration and rehabilitation of child victims of violence. **None**
4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:
- The family/ home; **None**
 - Schools and pre-school care and education (both formal and non-formal, state and private); **The Education Act # 9 of 1981, in so far as it mandates the Minister to make regulations. Apposite regulations so far made relate only to the administration of corporal punishment. These regulations circumscribe the instances where corporal punishment would be appropriate and the procedure(s) entailed. They are referred to (in full) in Question 5, below.**
 - Military schools; **None**
 - Institutions including care, residential, health and mental health; **Not applicable**
 - The context of law and public order enforcement including in detention facilities or prisons; **None**
 - The neighbourhood, street and the community, including in rural areas; **None**
 - The workplace (informal and formal); **Section 109 of The Employment Act # 5 of 1980 makes it an offence to employ children contrary to PART X of the Act and sets out penalties to be imposed.**
 - Sports and sporting facilities. **None.**
5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

There is no legal prohibition of corporal punishment in any setting. The subject of corporal punishment is a topical one in Swaziland. However, it has not been publicly debated and a policy set up. Swazis largely subscribe to Judeo-Christian religious beliefs and it is not uncommon to hear them glibly quote the Biblical adage: "spare the rod and spoil the child." Children are corporally punished in their individual family units.

One would venture to think that only in instances where the assault is visited by injury on the child would an assault case be criminally preferred. Even this remote possibility would be met with another the problem. It is difficult to imagine a child being able to report the assault to the police on his/her own account. Interestingly, the constitution bill, whilst rhetorically providing that: "a child shall not be subject to abuse or torture or other cruel inhuman and degrading treatment or punishment," goes the further mile of giving a leeway to what it terms: "lawful and moderate chastisement for purposes of correction." No checks and balances are in place. As to where moderation ends and excessive/violent begins seems left to idiosyncrasy.

Section 21 of the Education Act # 9 of 1981 confers upon the Minister of Education the power to make regulations. In terms of these regulations, found in The Education Rules of 1977, the following is pertinent to corporal punishment in schools:

Corporal punishment

11. (1) Corporal punishment shall be administered to boys by the headmaster or by a member of the staff specifically so authorised by such headmaster or by a housemaster for offences committed within a boarding establishment.

(2) Corporal punishment shall be administered to girls only by a female teacher in the presence of a headmaster.

(3) Corporal punishment shall not be given in public.

(4) No cane or stick exceeding 0.83 metres (two and half feet) in length, and 1.5 centimetres (half an inch) in diameter, shall be used for the infliction of corporal punishment.

(5) All corporal punishment shall be administered on the buttocks and not on other parts of the body.

(6) Headmasters or housemasters shall ensure that pupils are in a physically fit condition to receive corporal punishment before resorting thereto.

(7) Punishment shall not exceed four strokes in the case of boys and girls under sixteen years of age and six strokes in the case of boys and girls sixteen years of age and over.

(8) Every instance of corporal punishment shall be recorded forthwith in a punishment book, the entry specifying the name of the pupil, the date and nature of offence and the number of strokes administered.

(9) Prefects or monitors shall not inflict or threaten to inflict corporal punishment.

(10) The requirements of paragraph (9) shall be brought to the notice of prefects and monitors on their appointment.

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.

The penal code does provide (and permits) for corporal punishment as a sentence for crimes committed by male children under 18 years old.

Section 307 (1) of the code provides that: "If any male person under the age of eighteen years is convicted of any offence, the court before which he is convicted may, in lieu of any other punishment or in addition to any other punishment except a discharge under section 311 or a fine and whether in the case of a first conviction or any subsequent conviction, sentence such person to receive in private a moderate correction of whipping not exceeding fifteen cuts with a light cane."

The penal code though not directly proscribing the death penalty, in the case of children under 18 years old, impliedly does so and confers wide discretion on the convicting court. It provides as follows, in section 305:

" (1) Any court in which a person under the age of eighteen years has been convicted of any offence may, instead of imposing any punishment upon him for such offence [but subject to the second proviso to section 296(1)] order that he be placed in the custody of any suitable person designated in such order for a specific period:

Provided that such order may be made in addition to the imposition of a whipping:

and,

Provided further that no order made in terms of this sub-section shall direct that the convicted person shall remain in the custody in which he has been placed after he attains the age of eighteen years.

(2) Any person who has been dealt with under sub-section (1) and who absconds from the custody in which he was placed may be apprehended without warrant by any policeman and shall be brought as soon as may be before a magistrate of the district in which he was apprehended.

(3) If any person is brought before a magistrate under sub-section (2) such magistrate shall, after questioning the absconding person as to the reason why he absconded, order either that he be —

- (a) returned to the custody from which he absconded;
- (b) placed in the custody of another person for the remaining period of the original order; or
- (c) committed to prison for the remaining period of the order made under subsection (1). (Amended P.6/1956.)

In section 296 (1) there is a limitation clause that enjoins the court to opine on the existence or otherwise of extenuating circumstances. Once these are established, the death penalty cannot be imposed. Our common law recognises youth as an extenuating circumstance. The result is that in instances of a child below 18 years, the death penalty invariably does not become one of the prescribed sentences.

- 7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation. **None.**
- 8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.

It is important to mention that Swaziland is a dual society. Both traditional and modern practices co-exist. By-and-large, traditional norms and values hold sway and are deeply entrenched. These practices sometimes clash with intensity. Female genital mutilation is not practised.

Again one sees a duality in the court institution establishments, namely, the national/traditional or customary courts and the courts of general jurisdiction. This situation is a legacy of colonialism. The former courts enjoy jurisdiction on the indigenous Swazi populace whilst the latter is non-specific in its application: often referred to as courts of general jurisdiction, because they embrace Swazis and non-Swazis.

The western hierarchy courts are the only legitimate institutions that have modestly made attempts to address some of the harmful or violent traditional practices. In terms of the Swazi Court Act # 80 of 1950 (the legislation on which the traditional courts are established), a Swazi Court shall administer the Swazi law and custom prevailing in Swaziland so far as it is not repugnant to natural justice or morality or inconsistent with the provisions of any law in force in Swaziland. On the other hand the High Court, a superior court, enjoys unlimited original jurisdiction in both civil and criminal matters that come before it, including the making of declaratory orders and annulment of certain events. It is in this area that the High Court has come in and employed the repugnancy, immorality or inconsistency provisions to strike down some of the anachronistic traditions or practices.

There is no legal reform body in the country to fine-tune areas of discord in the legal arena. The area of marriage is a minefield with a chequered background. It stands out like a sore thumb and the only hope of addressing it is perhaps the advent of the constitution in relation to the CRC and CEDAW, both of which Swaziland has ratified. Two institutions of marriage are lawful in the country, namely, a civil rights marriage and a marriage contracted in terms of custom (so-called traditional marriage).

- 9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:
 - The sex or sexual orientation of the victim and/or of the perpetrator; None
 - The age of the victim and /or of the perpetrator; In the case of offences of a sexual nature, provision is made in the criminal code for the prosecuting authority to allege aggravating circumstances in respect of the victim, whether young or old. Victims below age 12 years are legally incapable of consenting to sexual intercourse. Perpetrators of offences of a sexual nature are considered legally incapable of rape below age 14 years.
 - The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement. Infanticide in a relationship of parent and child, between the victim and perpetrator, would, where found to have been intentional, be visited with aggravating circumstances against the perpetrator. Incidences of sexual violence in marriage are not specifically protected in our law. Incest and sexual abuse offences within the family are by their nature abuse of trust and positions in loco parentis. They are considered aggravating circumstances, where alleged by the prosecuting authority.
11. Provide information on any recent comprehensive review of the legal framework to address violence against children.
12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

There are no specialised courts that have a specific responsibility in addressing violence against children. In terms of the Child Care Service Order # 30 of 1977, there was anticipated a juvenile court. The interpretation clause, in section 2, places this beyond question. It acknowledges that at the time there was no such court and improvises the definition by providing that "pending the establishment of a juvenile court or a court of similar name, established by statute, a court presided over by a magistrate in terms of the Magistrate's Court Act # 66 of 1938, and on the establishment of a juvenile court or court of similar name, such court." None has been established to date with that result that the magistrates' courts and the High Court deal with these concerns as part of their jurisdiction. There are no family courts either.

Mention has to be made of a fairly recent intervention at the High Court. A victim-friendly courtroom to deal with sexual offences of intimidated or vulnerable children is in place. This court has a one-way camera and a decorated cubicle with anatomically-correct dolls. The camera in the cubicle relays a picture of the complainant child on a screen in the adjourning trial courtroom, for the judicial officer, prosecutor and accused person. The idea is to ensure that the complainant child does not get to see the suspect/accused or come face-to-face with him when she has to testify.

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities? Legislatively, the Girls' and Women Protection Act # 39 of 1920 affords protection to girls below

age 16. However, where a person is on trial under this statute, and there is insufficient evidence that the victim is under age 16 years, where her consent would have been a lawful excuse to the accused, the court may decide her age from her appearance. A limitation clause affords a defence to the accused if it should appear to the court that the victim is a prostitute or the accused is below age 16 years.

15. Provide information on the minimum age of marriage for women and men. The Marriage Act # 47 of 1964, which excludes marriages contracted in terms of Swazi law and custom, provides the ages as 18 and 16 years for men and women, respectively. There are no fixed standards or hard-and-fast rules/guidelines governing the Swazi law and custom regime.

Sexual exploitation of children

16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents. There are no legislative interventions or measures in place, however a drafting process has been ongoing, a draft Sexual Offenses Bill is ready for parliament debate.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the internet. The nearest there is to this is the Obscene Publications Act # 20 of 1927. As its title suggests, it seeks to prevent the sale or exhibition of indecent or obscene books, pictures, prints and other articles
18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc. Quite apart from the Act referred to in Question 17 above, there is no legislation or guidelines in this area.

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting. None in place.

Complaints procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:
 - The family/ home;
 - Schools and pre-school care and education (both formal and non-formal, state and private);
 - Military schools;
 - Institutions, state and private, including care, residential, health and mental health;
 - The context of law and public order enforcement including in detention facilities or prisons;

- The neighbourhood, street and the community, including in rural areas;
 - The workplace (informal and formal);
 - Sports and sporting facilities.
21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.
 22. Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.
 23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.

Generally, every court trying a matter involving a minor child has discretion to order, on its own or on application of a party, that the proceedings be held in camera.

The criminal code, following a recent amendment, now provides for the employment of intermediaries where it appears to a court that a witness below age 18 years would be exposed to undue mental stress or suffering, were that witness to testify in the ordinary manner.

A proscription is entered against the publication, by radio, publication, or any other form of multiplication, of proceedings in offences of a sexual nature, involving a minor.

The rules of evidence, derived from English law rules of evidence, require that the testimony of a child be approached with caution: so-called cautionary-rule, in sexual offences.

Further, before a child witness can testify, judicial officers are enjoined to conduct a preliminary examination to ascertain competency to testify. This includes establishing if the witness is possessed of sufficient ability to appreciate the duty to speak the truth. In usual parlance, it is sort to find out if the child can distinguish between the truth and an untruth/lie.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

There is usually no compensation order following the outcome of complaints against children. At the same time, nothing proscribes a court from making such order, in terms of the criminal code.

In respect to punishment of perpetrators, save in the instance of rape where aggravating circumstances were alleged and proved - where the sentence is a mandatory minimum of 9 years imprisonment -, punishment is largely a matter of judicial discretion.

There is no perpetrator rehabilitation programme/facility.

Family therapy is done through volunteer counselling programmes offered by non-governmental organisations. These double as victim rehabilitators.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

There is no uniformity in this area as each case has to be decided on its peculiar circumstances. No one case is on all fours with another and here the discretionary power of a court, where it has not been expressly excluded by legislation, is put to full advantage. To make a pertinent example, in the case of a murder conviction, a highest form of violence, juveniles would not be subject to execution because youth is considered in their favour, and most invariably counts as an extenuating factor/circumstance.

Corporal punishment, it was pointed out earlier on, is a prescribed form of punishment. Because the juvenile justice system is not up to scratch, though there is legislation that anticipates juvenile reformatories, a tendency is reported of cases where parents of convicted juveniles elect, of their own, the option of corporal punishment as an alternative to imprisonment, if only to have their child in their custody.

Trenchant sentiments have in the past been made by judges of the High Court on corporal punishment and the rather inept or improper manner it is administered.

The area of punishment, sounding in imprisonment, is not easy to assess on perpetrator rehabilitation as it is in the domain of the Correctional Services Department, an adjunct of the Justice Ministry.

The Swaziland Association for Crime Prevention and Rehabilitation of Offenders (SACRO) would be in the best position to provide information on community service, as a punishment.

No family therapy in this area is in place.

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?

Government recently set up a Children's Coordinating Unit, not yet functional. However violence against children is being addressed by NGOs linking up with the Police and the Ministry of Health and Social Welfare.

If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

27. Is there a lead Government authority tasked with responsibility for addressing violence against children? **No**

If YES, provide details. **N/A**

- 28.** Are specific financial and/or human resources allocated by your country to address violence generally?

Social Welfare Officers and Police Officers under the Domestic Violence and Child Protection Unit

If YES, indicate the extent of these allocations. **Inadequate financial and Human Resource**

29. Does your country allocate specific financial and/or human resources to activities to address violence against children?

Not necessarily, however sector allocations by relevant ministries to the relevant sections such as Ministry of Health allocated to the Welfare Office and the Police allocates to the department of child protection.

If YES, provide details.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children? **Yes**

If YES, indicate the extent of these resources and the way in which they are used.

Donor agencies provide extensive support to partner NGOs. The donor agencies include UNICEF, UNFPA, NERCHA, UNDP and others. Activities funded include the following:

- a) Community based initiatives – establishment of community programmes to protect children.**
- b) Policy development and reform including curriculum development for police training, education sector and the Justice system**
- c) Direct Services to children**
- d) Equipment and structural support especially to the Police**
- e) Supporting NGOs working with children**
- f) Providing support to the government ministries**

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children? **No**

If YES, provide details. **N/A**

32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?

If YES, provide details.

33. Are there any particular parliamentary structures (for example special committees) to address violence against children?

If YES, provide details.

34. Have there been any recent parliamentary initiatives to address violence against children? **Yes**

If YES, please give details.

There is a move to establish a stand alone committee for children within parliament. The Parliamentarians were exposed to the regional AWEPA meeting to discuss issues affecting children and the possible role that parliamentarians can play. The members of parliament identified areas of intervention and deadlines for implementation.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, national non-governmental organizations, international non-governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

Swaziland formed a Child Protection Network consisting of all NGOs, CBOs, Faith Based Groups, international organisations, government and other interested parties. The Network serves as an information sharing forum for the network members. Most of the relevant partners are engaged in awareness raising, prevention and protection of children, provide services to children and many other activities and resources provided directly to children.

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

Government supports initiatives in kind.

37. Describe the role played by the media in addressing violence against children.

The Media publishes cases on violence against children and actions taken. The media has done a lot of work in exposing some of the cases.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children’s activities to address violence.

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

Children’s Forums where children plan at community level exist. Children between age 12 and 18 attend these forums.

Children participate in events such as the Day of the African Child and present their views on how to address violence

Through Arts and Drama, child to child clubs and peer educators

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved. **None**

40. Describe the amount and type of resources made available to support children’s participation in activities to address violence against children. **Seed funding**

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.

41. Does your Government have a comprehensive policy concerning violence against children? **Draft Policy**

If YES, provide details and describe any gender-specific provisions included in the policy.

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children? **Small grants provided to NGOs**

If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home						
Schools						
Institutions						
Neighbourhood/Community						
Workplace						
Law enforcement						
Other						

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

44. Does your Government participate in any internationally coordinated activities concerning violence against children?

Government officials attend international meetings on children e.g UN General Assembly for Children, AWEPA Meetings,

If YES, please provide details.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?

If YES, provide details or references, or attach.

46. Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?

Swaziland participated in Corporal Punishment study which is part of the UN General Secretary Study on Violence Against Children

If so, please give details.

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children? **No**

If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail. **N/A**

48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children?

If YES, provide details or references, or attach.

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?

Provide details.

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?

If YES, what proportion of all homicide deaths are under the age 18?
.....%

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):

Sex	
Age	
Ethnicity	
Manner of death (homicide, suicide, undetermined)	
External causes of death (firearm, strangulation, etc.)	
Geographical location of incident (address)	
Scene of occurrence (home, school, etc.)	
Time and date of incident	
Victim-perpetrator relationship	
Other:	

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.
53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

VII. AWARENESS, ADVOCACY AND TRAINING

This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?
NO, only done by Civil society

If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.). **Recent awareness raising for Caregivers and Teachers on Violence against Children. Target audience is teachers and the Public.**

55. How were the campaign messages and information disseminated (check all that apply)?

Print media	X
Radio	X
Television	X
Theatre	X
Schools	X
Others	X

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children?
No, only training supported by Donor agencies such as UNICEF through partnership with NGOs

If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply).

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including paediatricians, nurses, psychiatrists and dentists)					
Public health practitioners					
Social workers and Psychologists					
Teachers and other educators					
Court officials (including judges)					
Police					
Prison officers					
Juvenile offenders personnel					
Institution personnel					
Parents/guardians					
Other (please specify)					

Please provide details.